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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

The United States applies for a Final Order of Forfeiture based on this stipulation between plaintiff United States of America, Chun Phic Lim, Sekharith Be, and petitioners Alex Chen Ma and Long Ta:

1. This is a criminal action against the above-captioned defendant. The Indictment filed June 3, 2004, and the Superseding Indictment filed September 9, 2004, provided notice that the government intended to seek forfeiture of all property, real and personal, involved in offenses listed in Counts One through Seven, and all property traceable thereto. The Indictments further provided that pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), the government intended to seek forfeiture of substitute property.

2. Following defendant Sekharith Be's plea on Count Seven of

1 the Superseding Indictment, a violation of 18 U.S.C. § 1960, the  
2 Court entered a Preliminary Order of Forfeiture forfeiting the  
3 defendant's interest in the following assets pursuant to Fed. R.  
4 Crim. P. 32.2, 18 U.S.C. § 982(a)(1), and U.S.C. § 982(b)(1)  
5 (incorporating provisions of 21 U.S.C. § 853(p)):

- 6 a. Approximately \$22,000.00 in U.S. Currency  
7 seized on or about May 18, 2004;
- 8 b. Approximately \$4,248.00 in U.S. Currency with  
9 Potential Collector Value seized on or about May  
10 18, 2004;
- 11 c. 47 pieces of jewelry seized on or about May 18,  
12 2004; and
- 13 d. 39 clear cut stones seized on or about May 18,  
14 2004.

15 See Preliminary Order of Forfeiture filed September 15, 2005.  
16 Hereinafter, the above-listed assets are collectively referred to as  
17 the "Assets". The Assets constitute substitute assets pursuant to  
18 18 U.S.C. § 982(b)(1) (incorporating 21 U.S.C. § 853(p)). The  
19 Court's Preliminary Order of Forfeiture authorized the United States  
20 to commence ancillary proceedings pursuant to 21 U.S.C. § 853(n) (as  
21 incorporated by 18 U.S.C. § 982(b)(1)) and Local Rule 83-171, by  
22 publishing notice of this action in the Stockton Record (San Joaquin  
23 County), and by providing direct written notice to any person known  
24 or alleged to have an interest in the above-described properties.

25 3. On or about January 6, 2006, Long Ta filed an ancillary  
26 petition in this matter asserting an interest in the approximately  
27 39 clear cut stones. On or about January 6, 2006, Alex Chen Ma  
28 filed an ancillary petition in this matter asserting an interest in  
the approximately \$22,000.00 in U.S. Currency seized on or about May  
18, 2004. These petitions remain pending.

1       4. On November 8, 2005, the United States filed proof of  
2 publication reflecting publication in the Stockton Record on October  
3 18 and 25, 2005, and November 1, 2005.

4       5. Chun Phic Lim has not filed a petition, but has a potential  
5 interest in at least some of the Assets, as well as others seized by  
6 the United States.

7       6. The United States, Alex Chen Ma, Long Ta and Chun Phic Lim  
8 have reached an agreement concerning the Assets, premised on the  
9 following stipulations and agreements:

10      A. The Court may enter a Final Order of Forfeiture, forfeiting  
11 to the United States of America, to be disposed of according to law:

- 12      1. Approximately \$22,000.00 in U.S. Currency  
13        seized on or about May 18, 2004;  
14      2. Approximately \$4,248.00 in U.S. Currency with  
15        Potential Collector Value seized on or about May  
16        18, 2004;

17      B. Within thirty (30) days of the entry of an order on this  
18 stipulation and application, the government shall return the  
19 following assets to potential petitioner Chun Phic Lim:

20       47 pieces of jewelry seized on or about May 18, 2004.

21      C. Within thirty (30) days of the entry of an order on this  
22 stipulation and application, the government shall return the  
23 following assets to Long Ta:

24       39 clear cut stones seized on or about May 18,  
25       2004.

26      7. On or about May 18, 2004, federal law enforcement officials  
27 seized an additional sixteen pieces of assorted jewelry from safe  
28 deposit box R-9091 located at 503 W. Benjamin Holt Drive, Stockton,  
CA (hereinafter the "Additional Assets"). On or about July 12,

1 2004, the Department of the Treasury commenced an administrative  
2 forfeiture proceeding against the Additional Assets. After due  
3 notice and publication, Sekharith Be and Chun Phic Lim filed  
4 administrative claims to the Additional Assets.

5 8. In lieu of seeking an order amending the Preliminary Order  
6 of Forfeiture to include the forfeiture of the Additional Assets,  
7 Chun Phic Lim, Sekharith Be and the United States have reached the  
8 following agreements with respect to such assets:

9 A. Be and Lim do hereby withdraw their administrative  
10 claims to the assets identified in Attachment A hereto, and consent  
11 to the administrative forfeiture of such assets.

12 B. The United States shall within thirty (30) days return  
13 to Chun Phic Lim, care of her counsel, the items identified in  
14 Attachment B hereto.

15 9. Chun Phic Lim, Alex Chen Ma and Long Ta hereby release  
16 plaintiff United States of America and its servants, agents, and  
17 employees and all other public entities, their servants, agents, and  
18 employees, from any and all liability arising out of or in any way  
19 connected with the Government's criminal forfeiture procedures  
20 against the defendant property. This is a full and final release  
21 applying to all unknown and unanticipated injuries, and/or damages  
22 arising out of said seizure, forfeiture, or sale, as well as to  
23 those now known or disclosed. The parties to this stipulation waive  
24 the provisions of California Civil Code § 1542.

25 10. All parties are to bear their own costs and attorneys'  
26 fees.

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1       11. Counsel represent that they have authority to enter into  
2 this stipulation on behalf of their clients.

3 DATED: 3/15/06

McGREGOR W. SCOTT  
United States Attorney

8 DATED: 3/14/06

/s/ Courtney J. Linn  
COURTNEY J. LINN  
Assistant U.S. Attorney

11 DATED: 3-1-06

/s/ Allan F. Jose  
ALLAN F. JOSE  
Attorney for Alex Chen Ma  
and Long Ta

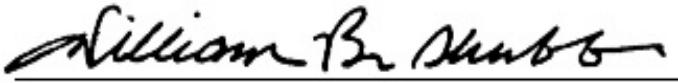
(Original signatures retained by  
attorney)

16                   **ORDER ADOPTING STIPULATION OF PARTIES  
17 AND ENTERING FINAL ORDER OF FORFEITURE**

18       The Court hereby adopts in full this Stipulation and grants the  
19 application for a Final Order of Forfeiture. A Final Order of  
20 Forfeiture is hereby entered based on the terms set forth above.

21       IT IS SO ORDERED.

22 DATED: March 17, 2006

23                     
24                   WILLIAM B. SHUBB  
25                   UNITED STATES DISTRICT JUDGE

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3                   **Attachment A**  
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- 5         1. Men's diamond and sapphire ring,  
6         2. Silver colored linked bracelet with inlaid  
7                 diamonds,  
8         3. Gold link bracelet,  
9         4. Gold link necklace,  
10        5. Gold colored belt buckle with rubies and  
11                 diamonds,  
12        6. Men's size gold ring with no center stone,  
13        7. Men's ring with sapphire center stone and  
14                 diamonds,  
15        8. Men's ring with sapphire center stone and  
16                 diamonds, and  
17        9. Men's ring with ruby center stones and diamonds.  
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## **Attachment B**

1. Two Dupont pens with diamonds in the clip,
  2. Bracelet comprised of gold and diamonds,
  3. Silver colored ring with a large center stone,
  4. Men's diamond and sapphire ring,
  5. Men's gold wedding band,
  6. Foreign Currency, and
  7. Gold rope necklace with a Buddha pendant.